THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 17 NUMBER 227
Washington, Thursday, November 20, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 672—WOOL

SUBPART—1952 WOOL PRICE SUPPORT PROGRAM (SHORN WOOL)

MISCELLANEOUS AMENDMENTS

In order to extend the 1952 Wool Price Support Program to make price support available on all eligible wool shorn before January 1, 1953, the bulletin stating the requirements with respect to the 1952 Wool Price Support Program for shorn wool (17 F. R. 7261) is amended as follows:

1. Delete the date "November 30, 1952" appearing in § 672.303 (h) and substitute therefor the date "February 28, 1953."

2. Delete the date "December 31, 1952" appearing in § 672.303 (k) and substitute therefor the date "March 31, 1953."

3. Delete the date "December 15, 1952" appearing in § 672.305 (a) and substitute therefor the date "April 30, 1953."

4. Delete the date "November 30, 1952" appearing in the first sentence of § 672.306 and substitute therefor the date "February 28, 1953."

5. Delete the date "November 30, 1952" appearing in the last sentence of § 672.308 and substitute therefor the date "February 28, 1953."

6. Delete paragraphs (a) and (c) of § 672.309 and substitute the following therefor:

§ 672.309 *Nonrecourse loans*—(a) *Application.* At any time after wool has been appraised, but not later than March 31, 1953, and after such wool has been packed in bags or bales, the handler may make application for a nonrecourse loan (i. e., a nonrecourse loan with a maturity date not later than April 30, 1953, which CCC will make, under the terms and conditions set forth in this subpart, on wool that has been appraised) on such wool by executing and delivering to the PMA Commodity Office a note, in form prescribed by CCC, accompanied by warehouse receipts representing the wool, Appraisal Certificates, and such other documents as CCC may specify.

* * * * *

(c) *Disbursement by CCC and maturity date.* Upon receipt of the documents specified in this subpart, in proper form and properly executed by the handler, the PMA Commodity Office shall promptly pay to the handler the gross loan proceeds computed in accordance with paragraph (b) of § 672.310, less any amount previously paid to the handler in accordance with § 672.305 as an advance loan with respect to such wool. The note covering any nonrecourse loan made under the program after the agreement between the handler and CCC is amended to extend the period during which price support will be available will be payable on or before April 30, 1953, together with interest at the rate of 3½ percent per annum. Any note covering a nonrecourse loan made under the program which is payable on or before January 31, 1953, may be extended to become payable on or before April 30, 1953, together with interest at the rate of 3½ percent per annum: *Provided,* That the handler shall save CCC harmless from any storage charges which accrue on or before April 30, 1953, on wool pledged as security for such nonrecourse loan.

7. Delete the first sentence of § 672.314 (d) and substitute the following therefor:

(d) *Charge for storage.* A storage charge for any period after the date of the grower's or pool manager's authorization of the handler to pledge such wool to CCC during which the handler has provided storage through the maturity date of the note covering the nonrecourse loan: *Provided,* That, if the nonrecourse loan is repaid before the maturity date, the handler shall refund to each grower or pool manager any storage charges deducted for the period from the date of repayment of the loan through the maturity date of such note. * * *

8. Delete § 672.314 (f) and substitute the following therefor:

(f) *Advance.* Any cash payments previously advanced by the handler to the grower or pool manager or any transportation charges paid on such wool

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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by the handler for the account of the grower or pool manager.

9. Delete § 672.315 and substitute the following therefor:

§ 672.315 *Limitation on charges by handler.* The handler shall make no charges on wool on which CCC makes a nonrecourse loan which are not authorized by this subpart without the written approval of CCC unless the charge is authorized in writing by the grower entitled to the loan proceeds. In determining the amount due the grower, any charges in addition to those specified in §§ 672.310 and 672.314 shall be clearly itemized on the Account of Loan Settlement and shall be identified as charges specifically authorized by the grower. Notwithstanding the provisions of this paragraph, in any case where the maturity date of a nonrecourse loan made under the program is extended from January 31, 1953, to April 30, 1953, the handler may, without written approval of the grower, charge to the grower and deduct from any amount due the grower under the program, storage charges for the period of such extension at rates not in excess of those specified in § 672.314 (d).

10. Delete the date "January 31, 1953" in each place where it appears in the last sentence of § 672.316 and substitute therefor the words "the maturity date of such note."

11. Delete the date "December 31, 1952" in each place where it appears in § 672.319 (b) and substitute therefor the date "March 31, 1953."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1446, 1421)

Issued this 14th day of November 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-12412; Filed, Nov. 19, 1952; 8:54 a. m.]

PART 672—WOOL

SUBPART—1952 WOOL PRICE SUPPORT PROGRAM (PULLED WOOL)

MISCELLANEOUS AMENDMENTS

In order to extend the 1952 Wool Price Support Program to make price support available on all eligible wool pulled before January 1, 1953, the bulletin stating the requirements with respect to the 1952 Wool Price Support Program for pulled wool (17 F. R. 7267) is amended as follows:

1. Delete the date "November 30, 1952" appearing in § 672.355 and substitute therefor the date "February 28, 1953."

2. Delete the date "November 30, 1952" appearing in §672.357 and substitute therefor the date "February 28, 1953."

3. Delete the date "December 31, 1952" appearing in § 672.359 (a) and substitute therefor the date "March 31, 1953."

4. Delete the date "December 31, 1952" appearing in § 672.366 (b) and substitute therefor the date "March 31, 1953."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1446, 1421)

Issued this 14th day of November 1952.

[SEAL] JOHN H. DEAN,
Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-12413; Filed, Nov. 19, 1952; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTAS FOR 1953-54 MARKETING YEAR, AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

Sec.
726.403 Basis and purpose.
726.404 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1953.
726.405 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1953.

AUTHORITY: §§ 726.403 to 426.405 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 726.403 *Basis and purpose.* Sections 726.403 to 726.405 are issued to announce the reserve supply level and the total supply of fire-cured tobacco and dark air-cured tobacco for the marketing year beginning October 1, 1952, to establish the amounts of the national marketing quotas for fire-cured and dark air-cured tobacco for the marketing year beginning October 1, 1953, and to apportion the quotas among the several States. The findings and determinations contained in §§ 726.403, 726.404, and 726.405 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured and dark air-cured tobacco producers and others as provided in a notice (17 F. R. 8922) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

§ 726.404 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1953* [1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 179,000,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 38,000,000 pounds and a normal year's exports of 40,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1952, is 198,600,000 pounds consisting of carry-over of 142,200,000 pounds and estimated 1952 production of 56,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 124,600,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 74,000,000 pounds from the total supply of such tobacco.

[1] Rounded to the nearest tenth of a million pounds.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1953, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 54,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 54,400,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for the fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 65,300,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	22,780
Tennessee	23,638
Virginia	10,670
Reserve [1]	286

[1] Acreage reserved for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

§ 726.405 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1953* [1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 86,100,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1952, is 93,600,000 pounds consisting of carryover of 67,500,000 pounds and estimated 1952 production of 26,100,000 pounds.

(c) *Carry-over.* The estimated carryover of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 61,300,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 32,300,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1953, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 24,800,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 24,800,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 29,800,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Kentucky	22,832
Tennessee	3,562
Indiana	107
Missouri	1
Reserve [1]	133

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

Done at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12410; Filed, Nov. 19, 1952; 8:54 a. m.]

[1023 (Fire, Air and Sun–53)–3 (Amdt. 1)]

PART 726—FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 726.416 of the Fire-cured, Dark Air-cured and Virginia Sun-cured marketing quota regulations, 1953–54 marketing year, relating to determination of 1953 preliminary acreage allotments for old tobacco farms. Since the amendment will affect the size of individual farm fire-cured tobacco acreage allotments and since it is imperative that farmers be notified of their tobacco acreage allotments at an early date in order to be able to complete their 1953 farming arrangements, it is necessary that the amendment become effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date it is filed with the FEDERAL REGISTER.

The Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1953–54 Marketing Year, are amended by adding the following paragraph (g):

(g) In the case of fire-cured tobacco the 1953 preliminary allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish a preliminary allotment for such farm which is fair and equitable in relation to the preliminary allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the total of the preliminary allotments as increased for all old tobacco farms in the State shall not exceed the total acreage allotted to all farms in the State in 1952: *And provided further,* That no preliminary allotment shall be increased above the acreage capacity of curing barns located on the farm and suitable for curing tobacco or the limitation contained in paragraph (f) of this section.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12411; Filed, Nov. 19, 1952; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–1953 FISCAL PERIOD

On October 23, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9604) regarding the expenses and rate of assessment for the 1952–53 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

[1] Rounded to the nearest tenth of a million pounds.

§ 955.206 *Expenses and rate of assessment for the 1952–1953 fiscal period.* (a) (1) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1952, will amount to $18,225.00, and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(2) Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of November 1952, to be effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12415; Filed, Nov. 19, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

A new § 578.23a is added as follows:

§ 578.23a *Gold Star Lapel Button.* Established by act of August 1, 1947 (61 Stat. 710; 36 U. S. C. Sup. 182a–182d) as amended by act of August 21, 1951 (65 Stat. 195).

(a) The Gold Star Lapel Button consists of a gold star on a purple circular background, bordered in gold and surrounded by gold laurel leaves. On the reverse is the inscription "United States of America, Act of Congress, August 1947," with space for engraving the initials of the recipient.

(b) One Gold Star Lapel Button will be furnished without cost to the widow or widower and to each of the parents of a member of the Armed Forces who lost his life while in the active military service during the periods indicated in acts cited above. The term "widow or widower" includes those who have since remarried, and the term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(c) One Gold Star Lapel Button will be furnished at cost price to each child, stepchild, child through adoption, brother, half brother, sister, and half sister of a member of the Armed Forces who lost his life during any period indicated herein.

(d) Applications for Gold Star Lapel Buttons may be submitted to The Adjutant General by eligible next of kin of deceased Army personnel enumerated in paragraphs (b) and (c) of this section.

(e) Only one Gold Star Lapel Button will be furnished to eligible individuals, except whenever a Gold Star Lapel Button furnished to an eligible individual indicated in paragraphs (b) and (c) of this section shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was furnished, such button may be replaced, upon application, at cost price. Private manufacture and/or sale of the Gold Star Lapel Button is prohibited and this design will not be incorporated in any manner in any article manufactured commercially or privately.

[C 3, SR 600–45–3, Nov. 30, 1951] (61 Stat. 710, as amended; 36 U. S. C. Sup. 182a–182d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–12362; Filed, Nov. 19, 1952; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1009—BONDS AND INSURANCE

Part 1009 is added to Subchapter J as follows:

SUBPART A—BONDS

SUBPART B—SURETIES ON BONDS

SUBPART C—INSURANCE

AUTHORITY: §§ 1009.101 to 1009.311 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

DERIVATION: Sec. X, AFM 70–6.

SUBPART A—BONDS

§ 1009.101 *Definitions*—(a) *Annual bid bonds.* A single bond which secures all bids submitted by a contractor to a procuring activity, or to such contracting officers of a procuring activity as may be designated by that activity, during a specific fiscal year in response to formal advertising. Such bond is furnished in lieu of separate bid bonds. It is used only in connection with contracts other than construction contracts.

(b) *Annual performance bond.* A single bond which secures the performance and fulfillment of all undertakings, covenants, terms, conditions, and agreements of all contracts of a contractor entered into with and submitted to a procuring activity, or to such contracting officers of a procuring activity as may be designated by that activity, during a specific fiscal year. Such a bond is executed in lieu of executing separate performance bonds for each contract. It is used only in connection with contracts other than construction contracts.

(c) *Fidelity bond (blanket).* A bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond.

(d) *Forgery bond or policy (depositor's form).* A bond or policy under which the obligor agrees to reimburse a purchaser and others named in the bond or policy (the insureds) to an amount stated in the bond or policy:

(1) For losses caused by the forging or altering of a check, draft, or similar instrument issued by or purported to have been issued by any of the insureds named in the bond or policy; and

(2) For losses resulting from the fact that a check or draft has been obtained from the insureds through the device of impersonation.

(e) *License or permit bond.* A bond which secures to a municipality or other public authority the payment of fines or the amount of any losses sustained as a result of action taken, or omitted to be taken, in violation of the terms of a license or permit. The indemnity sometimes runs to third persons in addition to the municipality.

(f) *Consent of surety.* An instrument by which the surety or sureties on a bond or bonds supporting a contract consent(s) to a supplemental agreement which modifies or amends the contract, or a change order which grants an extension of performance time or which has the effect of increasing the contract price by more than $25,000, and agree(s) that the bond or bonds previously given to support the basic contract shall apply to the contract as modified.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.101 of this title.

§ 1009.102 *Performance bonds*—(a) *Contracts other than construction.* Authority is granted to the head of the pro-

curing activity concerned, and to such other person or classes of persons as he shall designate, to determine whether a performance bond shall be required in connection with a contract other than a construction contract.

(b) *Construction contracts.* The penalty of the performance bond required in connection with a construction contract shall be at least in an amount equal of 50 percent of the contract price. Setting forth of a minimum percentage herein shall not be construed as a bar to fixing a penalty in a greater percentage, up to 100 percent of the contract price, in a case where a greater penalty is deemed advisable for the protection of the United States, and where fixing such greater penalty will not eliminate small, otherwise potentially, acceptable contractors.

(c) *Additional performance bonds.* (1) If a performance bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase shall be furnished unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

(2) When, in connection with a construction contract, there is executed a change order in excess of $25,000, or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase will be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.103 of this title.

§ 1009.103 *Payment bonds*—(a) *Contracts other than construction contracts.* As a general rule, payment bonds shall not be required in connection with contracts other than construction contracts. Authority is granted to the head of the procuring activity concerned, and to such other person or classes of persons as he may designate, to determine whether a payment bond will be required to support any such contract.

(b) *Additional payment bonds.* (1) If a payment bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000, or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

(2) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.104 of this title.

§ 1009.104 *Advance payment bonds.* Authority to make determinations with respect to advance payment bonds is with the Secretary. The head of the procuring activity, or his delegee, shall make recommendations to the Secretary as to the type and extent of advance payment bonds desired when requests for advance payments are under consideration.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.105 of this title.

§ 1009.105 *Patent infringement bonds.* (a) A patent infringement bond will not be required with respect to any contract in connection with which a performance bond has been executed.

(b) Even if a performance bond has not been executed, the requirement of a patent infringement bond will be the exception rather than the rule. Where, however, a supply contract or construction contract contains a patent clause of the type set forth in Part 408 of this title, and the financial responsibility of the contractor is unknown or doubtful, a patent infringement bond may, in the discretion of the head of the procuring activity concerned, or his delegee, be required.

(c) On such bonds as are required, the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the interests of the United States.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.106 of this title.

§ 1009.106 *Other types of bonds and miscellaneous bond requirements*—(a) *Fidelity bonds.* (1) Fidelity bonds will be required in connection with cost or cost-plus-a-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the head of the procuring activity concerned, or his delegee, it is desirable to obtain the investigating and claim facilities of a surety company and such bonds are considered to be reasonably necessary for the protection of the contractor or the Government.

(2) When a fidelity bond is required, the Primary Commercial Blanket form of fidelity bond as standardized by the Surety Association of America or its equivalent is the approved form of fidelity bond. A rider should be attached thereto providing for notice to the procuring activity concerned in the event of any change in or cancellation of the bond.

(b) *Forgery bonds.* (1) This type of bond will be required in connection with cost or cost-plus-a-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants only when the head of the procuring activity concerned, or his delegee, determines that a forgery bond or policy is desirable to obtain the investigating and claims facilities of a surety company, and is considered to be reasonably necessary for the protection of the contractor or the Government.

(2) The depositor's form of forgery bond or policy as standardized by the Surety Association of America or its equivalent is the approved form of forgery bond. A rider should be attached thereto providing for notice to the procuring activity concerned in the event of any change in or cancellation of the bond.

(c) *License and permit bonds.* These types of bonds will be approved only in those cases where, in the opinion of the head of the procuring activity concerned, such bonds provide a necessary protection to the Government or to the contractor against liability to third parties or where failure to provide these bonds would constitute a violation of an applicable ordinance or statute of a municipality. The form of license or permit bond prescribed by statute or ordinance of the public authority having jurisdiction is the approved form of bond.

(d) *Riders and endorsements particularly applicable to fidelity and forgery bonds*—(1) *Retroactive reinstatement rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained, the penalty of the bond is restored to its original amount notwithstanding prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

(2) *Waiver of restoration premium rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

(3) *Cancellation or change notice rider.* This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is canceled or changed in any other manner.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.107 of this title.

§ 1009.107 *Execution and administration of bonds*—(a) *Execution.* All bonds will be executed in accordance with instructions printed on the bond form and any further instructions promulgated by the Commanding General, Air Matériel Command.

(b) *Filing and examination of bonds and consents of surety.* (1) The original of all surety bonds, except specific bid bonds, will be forwarded to the Commanding General, Air Matériel Command, Wright-Patterson Air Force Base, Ohio, marked for the attention of Bonds and Insurance Unit, MCPPX054. A fully executed duplicate will be filed in the office authorizing acceptance or the office of record. If the bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification, as the case may be, and forwarded to the Commanding General, Air Matériel Command. If it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated

copy thereof should be attached to the original bond and forwarded to the Commanding General, Air Matériel Command. The Commanding General, Air Matériel Command, will examine bonds as to legal sufficiency and as to form and execution. In the case of individual sureties he will include examination to ascertain whether the affidavits of justification and the certificates of sufficiency of the sureties are in accordance with § 1009.201 (b). The Commanding General, Air Matériel Command, will forward bonds executed by corporate surety, together with any contract or modification which they support, to the Treasury Department. Bonds with other than corporate surety will be forwarded direct to the General Accounting Office.

(2) Consents of surety will be handled in the same manner as bonds. Under the Expediter Plan, unexecuted consents may be forwarded to the Commanding General, Air Matériel Command, who can arrange for their execution in Washington, D. C.

(c) *Authority of the Commanding General, Air Matériel Command concerning substitute surety bonds.* The Comanding General, Air Matériel Command is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved by the Department and covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequently to the date of approval of the new bond. The Commanding General, Air Matériel Command is authorized to delegate such function to whomsoever he may designate.

(d) *Miscellaneous bond forms*—(1) *Standard forms of bonds for Government contracts.* The following bond forms shall be used, when appropriate, in accordance with accompanying instructions. The prescribed forms are 1950 editions; however, the forms which they supersede may be used until the present supply is exhausted:

(i) SF24, Bid Bond.

(ii) SF25, Performance Bond.

(iii) SF25A, Payment Bond.

(iv) SF27, Performance Bond—Corporate Co-surety Form.

(v) SF27A, Payment Bond—Corporate Co-surety Form.

(vi) SF27B, Continuation Sheet—Corporate Co-surety.

(vii) SF28, Affidavit of Individual Surety.

(viii) SF34, Annual Bid Bond (Supplies).

(ix) SF35, Annual Performance Bond.

(2) *Patent infringement bond.* The appropriate patent infringement bond form is:

Know all men by these presents, that we _____ as Principal, and _____ as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of _____ dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated _____, 19____, for _____ and whereas the said principal has specifically obligated himself in said contract to hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including cost and expenses, for or on account, of any patented or unpatented invention, article, or appliance manufactured or used in the performance of that contract, including their use by the Government of the articles therein contracted for.

Now, therefore, if the principal shall well and truly perform and fulfill the above undertaking and agreement, and shall promptly make payment of any judgment and costs obtained against the United States under the provisions of the act of June 25, 1910 (36 Stat. 851), as amended by the act of July 1, 1918 (40 Stat. 705), or expenses incident thereto, then this obligation to be void; otherwise to remain in full force and effect.

In witness whereof, the above-bounden parties have executed this instrument under the several seals this _____ day of _____, 19____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.108 of this title.

SUBPART B—SURETIES ON BONDS

§ 1009.201 *General requirements of sureties*—(a) *Corporate sureties*—(1) *Acceptability.* To be acceptable, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241; 6 U. S. C. 8). Treasury Department Form 356, "Companies Holding Certificates of Authority from the Secretary of the Treasury Under Act of Congress Approved July 30, 1947, 6 U. S. C. (Sec. 6–13) as Acceptable Sureties on Federal Bonds," is published annually. This form indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this form is acceptable within the limits of such approval. The Commanding General, Air Matériel Command will establish the procedure for consolidating requirements for TD Form 356 annually on or before March 15.

(2) *Corporate co-sureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts: *Provided,* That in no case will the liability of any such co-surety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties, having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate co-sureties obligate themselves for the full amount of the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. In all cases the liability shall be limited to the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. As further indicated by the aforementioned forms, the sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 will be used in the case of a performance bond, and Standard Form 27A will be used in the case of a payment bond, each in accordance with the accompanying instructions.

(b) *Individual sureties*—(1) *Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds: *Provided,* That they meet the requirements specified in subparagraphs (3) and (5) of this paragraph.

(2) *Number.* If individual sureties are used, at least two responsible individuals will be on each bond.

(3) *Citizenship.* (i) Except as prescribed in subdivision (ii) of this subparagraph, individual sureties will be citizens of the United States.

(ii) Sureties on bonds executed in foreign countries, the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any Possession of the United States, to secure the performance of contracts entered into in those places need not be citizens of the United States. However, unless they are citizens of the United States they must be domiciled in the country, territory, or possession where the contract is to be performed.

(4) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(5) *Justification.* Individual sureties will each justify in an amount not less than the penal amount of the bond.

(6) *Stockholders as sureties.* In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as co-surety on the bond: *Provided,* That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified: *And provided further,* That such fact is expressly stated in his affidavit of justification.

(7) *Affidavit of individual surety.* Standard Form 28 will be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may, of course, if they meet the requirements of paragraph (b) of this section, qualify as sureties. Individual members of a partnership or association will not, however, be acceptable as sureties on bonds under which the partnership or association, or any co-partner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrass-

ment, failure, or other disqualifying cause on the part of a surety under a bond, the head of the procuring activity concerned will require the substitution of a new surety satisfactory to him.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.201 of this title.

§ 1009.202 *Consent of surety.* The following forms of consents of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date _____
Contract No. _____. Modification No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.[1]

In presence of—

_____
_____
(Address)

_____ [SEAL]
(Individual principal)
_____
(Business address)
_____
(Corporate principal)
_____
(Business address)

Attest:
_____
By _____
(Affix corporate seal)
_____
_____
(Corporate surety)
_____
(Business address)

_____
By _____
(Affix corporate seal)

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given.*

CONSENT IN SURETY

Date _____
Contract No. _____. Modification No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

In presence of—

_____
_____
(Address)

_____ [SEAL]
(Individual principal)
_____
(Business address)
_____
(Corporate principal)
_____
(Business address)

Attest:
_____
By _____
(Affix corporate seal)
_____
_____
(Corporate surety)
_____
(Business address)

_____
By _____
(Affix corporate seal)

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.203 of this title.

SUBPART C—INSURANCE

§ 1009.301 *General policy.* Insurance will be required in connection with Air Force contracts when mandatory by law or when it is considered desirable to utilize the organization, facilities, or other services of the insurance industry. Insurance purchases may be authorized where commingling of property and operations or circumstances of ownership and degree of responsibility imposed by contract make the carrying of insurance reasonably necessary for protection of the several interests concerned.

§ 1009.302 *Insurance in connection with fixed-price contracts.* The requirements under applicable laws, such as State laws governing workmen's compensation and employers' liability coverage and Federal laws, such as the Federal Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901–950) where applicable, or, in the case of common carriers, cargo insurance as required by Interstate Commerce regulations, are sufficient to compel the contractor to comply with such laws. The contracting officer will not, therefore, impose insurance requirements other than evidence from the contractor that such laws have been complied with. Where a performance bond supports the contract such evidence will not be necessary.

(a) *Insurance on Government property.* Under the degree of responsibility for Government property established by contract clause the purchase or nonpurchase of property insurance is discretionary with the contractor, and insurance requirements will not be imposed by the contracting officer.

(b) *Insurance in special cases.* In special cases, when it is deemed necessary in connection with the performance of a contract, other types of insurance may be required, to the extent determined to be necessary by the head of the procuring activity.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.301 of this title.

§ 1009.303 *Insurance in connection with cost-reimbursement type contracts.* (a) The kinds of insurance enumerated in §§ 1009.304, 1009.305, and 1009.306 ordinarily will be required by the contracting officer unless the contractor is relieved by statute from liability and elects to invoke such statutory immunity or has an acceptable program of self-insurance already in effect. In special cases other types of insurance may be required to the extent determined to be necessary by the head of the procuring activity.

(b) The contracting officer will ascertain and advise the head of the procuring activity, prior to completing the placement of insurance under the contract, as to whether (and if so, to what extent) the contractor has cost-reimbursement type contracts with any other agency of the Department of Defense at the proposed location or adjacent thereto. This information should be readily obtainable from the contractor and will be used by the head of the procuring activity concerned to determine whether contracts can be combined for the purposes of insurance in order to be eligible for more favorable rate treatment.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.302 of this title.

§ 1009.304 *Workmen's compensation and employers' liability insurance.* (a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish care to employees injured, and to pay benefits to dependents of employees killed, in the course of and because of their employment. Employers' liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work in cases not covered by the compensation law. Such insurance will be required, endorsed to provide:

(1) Occupational disease coverage in jurisdictions where the workmen's compensation law does not cover all occupational diseases, in limits of $50,000 per person in any one case and $100,000 for any one policy year;

(2) In those jurisdictions where there is a "per accident" limitation coverage under paragraph One (b) of the insurance policy, additional limits up to $100,000 for each accident, or, where there is a "per person" limitation under this paragraph, additional limits up to $50,000 per person;

(3) In jurisdictions where workmen's compensation coverage is carried in a State fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, employers' liability insurance will be purchased, endorsed to provide coverage.

(b) Where such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the endorsements required above may be modified in accordance with instructions issued by the head of the procuring activity, provided that higher monetary limits are not authorized.

(c) The Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, as amended; 33 U. S. C. 901–950; 42 U. S. C. ch. 11, 12) generally provides that workmen's compensation benefits are applicable to all employees of any contractor with the United States on any military, air, or naval defense base other than contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to labor employed outside the limits of the United States (48 States and the District of Co-

[1] Here fix an amount of increase at least in the same proportion that the penalty on the original bond bears to the contract price on the original contract. The penalty of the payment bond shall not be increased beyond two million five hundred thousand dollars.

lumbia), the head of the procuring activity will request such waiver by applying to the Bureau of Employees' Compensation, Department of Labor.

(d) Workmen's compensation benefits will be paid to all employees of any contractor with the United States where waiver is obtained as provided above in accordance with the workmen's compensation or similar laws of the national, state, or local government where contract performance occurs.

§ 1009.305 *Comprehensive general liability insurance.* (a) This insurance protects the insured against loss due to claims for bodily injury and property damage resulting from accidents arising out of the existence or use of premises of the contractor, or the conduct of the contractor's business operations (except those claims arising from motor vehicle accidents which occur outside his premises, those claims covered by workmen's compensation law, or other exclusions stated in the policy). This insurance will be required with limits of $50,000 per person, $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the contracting officer, the exposure under the contract operations is such as to warrant obtaining the experienced claims and investigating services of the insurance carrier in the event of extensive damage to property of others. Prior approval for the purchase of this type of insurance will be obtained from the head of the procuring activity, and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage will be considered adequate. However, where commingling of operations permits the Government's protection at a nominal cost under insurance carried by the contractor in the course of his commercial operations, the participation in such insurance will be deemed in the best interests of the Government.

(c) Contractual liability insurance protects the contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a contractor has assumed liability under:

(1) A lease of premises;

(2) An easement agreement;

(3) An agreement required by municipal ordinance;

(4) A sidetrack agreement; or

(5) An elevator or escalator-maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the contractor has been authorized and the head of the procuring activity determines that the purchase of such insurance is necessary.

(d) Where insurance prescribed by this section is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the head of the procuring activity is authorized to revise downward the monetary limits prescribed in this section.

§ 1009.306 *Automobile liability insurance.* Automobile public liability and property damage insurance will be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned, hired, and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. When such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the head of the procuring activity is authorized to revise downward the monetary limits prescribed in this section.

§ 1009.307 *Boiler and machinery insurance.* This type of insurance protects the contractor against loss due to accidents arising from boilers, pressure vessels, or machinery. The chief value of this insurance is the inspection service by qualified insurance personnel afforded under the insurance policy. The purchase of such insurance by Air Force cost-reimbursement type contractors is authorized as an item of reimbursement.

§ 1009.308 *Group insurance plans.* Group insurance plans and such other forms of insurance as are provided voluntarily to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, surgical or medical care will be subject to review by the head of the procuring activity. The purpose of this requirement is to ascertain that greater benefits are not being extended under the cost-reimbursement type contract than those granted to employees under the contractor's regular commercial operations. An existing schedule which is being increased will also be referred to the head of the procuring activity for the same purpose. Where employees under the cost-reimbursement type contract are added to the contractor's already existent group life or similar type of insurance policies, provision should be made at contract termination to see that any experience refund due from the last year of contract operation will be credited proportionately to the contract.

§ 1009.309 *Retirement or pension plans including plans based upon profits.* The basis for allowability of costs under cost-reimbursement type contracts for such plans is fully set forth in Part 414 (Contract Cost Principles) of this title. Such plans will be subject to review and approval by the head of the procuring activity.

§ 1009.310 *Insurance on Government property.* The policy of the Air Force is not to require or approve insurance covering loss of or damage to property, legal title to which is in the United States, used in connection with cost-reimbursement type contracts. Ordinarily, the contractor will be relieved of liability for loss or damage to Government property in accordance with the provisions contained in the Government Property clause of the contract.

§ 1009.311 *General statement.* The required or permitted forms of insurance and instructions set forth in this subpart are intended as basic principles to be applied in connection with insurance on cost-reimbursement type contracts where the contract operations are separately insured. Where commingling of commercial and Government operations make separate insurance impracticable, §§ 1009.301 through 1009.310 will necessarily not remain applicable.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52–12364; Filed, Nov. 19, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

CPR 5—IRON AND STEEL SCRAP

[Ceiling Price Regulation 5, Interpretation 2]

CPR 43—ZINC SCRAP

[Ceiling Price Regulation 43, Interpretation 1]

CPR 46—COPPER SCRAP AND COPPER ALLOY SCRAP

[Ceiling Price Regulation 46, Interpretation 1]

CPR 47—BRASS MILL SCRAP

[Ceiling Price Regulation 47, Interpretation 1]

CPR 53—LEAD SCRAP MATERIAL

[Ceiling Price Regulation 53, Interpretation 1]

CPR 54—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

[Ceiling Price Regulation 54, Interpretation 1]

CPR 59—RUBBER SCRAP

[Ceiling Price Regulation 59, Interpretation 1]

DOWNGRADING OF SCRAP MATERIAL PURCHASED FROM GOVERNMENT

The following question has arisen with respect to the sale of scrap material under CPR's 5, 43, 46, 47, 53, 54, and 59. Brokers submit bids for the purchase of scrap from the various military disposal depots. The bids are based on the grade of scrap set forth in the Government's invitation to bid. Occasionally consumers have refused to accept the scrap at the grade classified by the Government, requesting that it be downgraded to the grade actually received.

Paragraph 1 under General Sales Terms and Conditions of the Government Standard Form 114, the contract form used for these transactions, states:

1. *Inspection.* Bidders are invited and urged to inspect the property to be sold prior to submitting bids. Property will be available for inspection at the places and times specified in the invitation. The Government will not be obliged to furnish any labor for such purpose. In no case will failure to inspect constitute grounds for a claim or for the withdrawal of a bid after opening.

The question is raised as to whether, under the above-cited regulations, the Government may charge and the consumer pay for the scrap at the price called for by the grading in the invitation to bid when it is higher than the ceiling price for the grade of scrap actually delivered.

Section 1 (b) (1) of CPR 5 (Iron and Steel Scrap) states:

> On and after October 30, 1951, regardless of any contract or other obligation:
> (1) No person shall sell, deliver, buy, receive, or prepare iron or steel scrap or agree, offer, solicit, or attempt to do any of the foregoing at prices above those established in this regulation; * * *

This is standard phraseology in all metal scrap regulations.

The specifications which govern the determination of the grade of the scrap, on the basis of which the establishment of ceiling prices depends, are set forth in each of the scrap regulations. Each regulation further contains provisions for specifying which grade or grades of scrap shall be used in determining the ceiling price of scrap where there are mixed grades of scrap in one vehicle.

Where the scrap actually delivered is of a lower grade than that for which bids were made, the parties are bound by the ceilings established for the grade of the scrap actually delivered, despite the language of paragraph 1 of Standard Form 114 or any other contract to the contrary. The parties are, of course, free to resort to their ordinary contractual remedies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 19, 1952.

[F. R. Doc. 52-12470; Filed, Nov. 19, 1952; 10:42 a. m.]

[Ceiling Price Regulation 5, Interpretation 3]

CPR 5—IRON AND STEEL SCRAP

INT. 3—BROKERAGE TRANSACTIONS (SECTION 19)

Upgrading is a prevalent form of violation of CPR 5. While the Defense Production Act of 1950, as amended, and CPR 5 clearly define the liability of culpable dealers and consumers, the nature and extent of the broker's liability need clarification. Following is a guide for use in determining whether injunction and treble damage suits would lie against brokers involved in the shipments of upgraded scrap.

1. Concerning the significance of the word "guarantees" which appears in section 19 (a) (2) of CPR 5, the section reads in part: "The broker guarantees the quality and delivery of an agreed tonnage of scrap."

The term "guarantees" applies to "quality" and "delivery" of an "agreed tonnage of scrap" within a specified period. Hence, if the initial delivery is deficient in terms of quality the broker has not breached his contract with the consumer if during the period specified therein later deliveries are made meeting the quality specifications.

2. The question has been raised as to whether an action may be brought, after appropriate demand, to recover from a broker commissions paid on a shipment of upgraded scrap.

It is quite clear that an action may be brought to recover from a broker commissions paid on a shipment of upgraded scrap. Sales of iron and steel scrap at higher than the ceiling prices established by CPR 5 are prohibited thereby, and it was intended that the broker's commission provided for by section 19 be subject to the same condition and payable only in sales not exceeding ceiling prices. The specific prohibition is contained in section 19 (a) (3) which provides that no commission shall be paid unless: "The scrap is purchased by the consumer at a price no higher than the ceiling prices established in this regulation."

3. Another question is whether in the usual type of transaction involving the shipment of scrap moving directly from dealer to consumer, the broker acquires title during any stage of such a transaction.

The answer to this question is in the affirmative and the pertinent provision of CPR 5 is section 19 (a) (1) which sets out one of the situations in which a commission is payable as follows: "The broker is regularly and primarily engaged in the business of buying for, and selling scrap to, a consumer."

"Selling scrap to a consumer" definitely implies that the broker acquires title in the transaction of a sale of scrap to a consumer. This is recognition and implementation of the historic practice prevailing in the scrap industry prior to CPR 5, and contemplates that the broker will continue to acquire title and sell to the consumer, in accordance with established practice.

4. Finally, the question has been presented as to whether the broker is an agent for the dealer, the consumer, or whether he is an independent contractor.

Inasmuch as the broker acquires title it is clear that he is an independent contractor, rather than agent for the dealer or consumer. It is true that the broker may buy scrap for a consumer but this is incidental to a sales contract rather than an agency relationship.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

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NOVEMBER 19, 1952.

[F. R. Doc. 52-12469; Filed, Nov. 19, 1952; 10:42 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 9]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 9—LOS ANGELES DISTRICT (SAN DIEGO COUNTY, CALIFORNIA, MARKETING AREA)

DELETION OF APPENDIX COVERING ORANGE COUNTY MARKETING AREA AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 2 to Area Milk Price Regulation 9 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be". Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of Section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. This amendment conforms the appendix prices to those of the State's minimum price schedule and eliminates any conflict between OPS ceiling prices established by AMPR 9 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

As the producer prices and changes in retail home delivered milk and cream prices are similar in the Orange County Marketing Order to the Los Angeles County Marketing Order but are different from the San Diego County Marketing Order, it is considered desirable to

delete the Appendix referring to Orange County from AMPR 9 and to include it with the required changes in AMPR 10.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 9 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 9.

AMENDATORY PROVISIONS

Area Milk Price Regulation 9 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

Wherever in the text of the regulatory provisions of this regulation the phrase "San Diego District Office" appears there is substituted therefor the phrase "Los Angeles District Office"; and in section 3 (a) for the parenthetical sentence "(The 'San Diego District Office,' as used in this regulation, means the San Diego District Office of the Office of Price Stabilization located at 1215 7th Avenue, San Diego 1, California.)" there is substituted the parenthetical sentence "(The 'Los Angeles District Office,' as used in this regulation, means the Los Angeles District Office of the Office of Price Stabilization located at 108 West Sixth Street, Los Angeles 14, California.)"

2. Appendix I, Revision II, San Diego County Marketing Area is deleted and a Revised Appendix I, Revision III—San Diego County Marketing Area is added to read as follows:

APPENDIX I (REVISION III)

SAN DIEGO COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Diego County Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.72				
Gallon bottle	.81	$0.90	$0.94	$0.86	$0.80
Half-gallon container (fiber or glass)	.405	.45	.47	.43	.40
Quart container (fiber or glass)	.2025	.225	.235	.215	.20
Pint container (fiber or glass)	.1125	.13	.14		.12
Third-quart or three quarter-pint container (fiber or glass)	.081				
Half-pint container (fiber or glass)	.07				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.38 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of San Diego County Order No. 40 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "San Diego County Marketing Area" means that area as defined in said San Diego County Order No. 40.

3. Appendix II (Revision 1) Orange County Marketing Area is hereby deleted. This amendment is effective as of November 8, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12357; Filed, Nov. 14, 1952; 5:02 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 4 to Area Milk Price Regulation 11]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 11—LOS ANGELES DISTRICT, CALIFORNIA

ADDITION OF APPENDICES COVERING SANTA BARBARA, SAN LUIS OBISPO, AND KERN MARKETING AREAS AND REVISION OF VENTURA MARKETING AREA APPENDIX

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 4 to Area Milk Price Regulation 11 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds appendices for Santa Barbara, San Luis Obispo, and Kern Counties. These Counties were governed by the General Ceiling Price Regulation which only permitted increases of ceiling prices due to producer's increases in price.

The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of an additional ½ cent per quart of standard milk. The Bureau also required that wholesale distributors charge an additional ¼ cent per quart and retailers a ½ cent per quart, making a total increase for wholesalers of ¾ cent per quart and for retailers $.01 cent per quart.

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be". Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection

providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law."

This amendment conforms the area prices to the minimum price schedule of the State.

The price schedule for cream allows for the per unit increase in the cost of the listed types of cream, rounded to the next cent.

An equivalent increase in the ceiling price of kinds of milk other than standard, over the General Ceiling Price Regulation ceiling price, is spelled out in the appendices.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 11 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 11.

AMENDATORY PROVISIONS

Area Milk Price Regulation 11 is amended in the following respects:

1. Appendix II, Revision I, to AMPR 11 is deleted, and a Revised Appendix II, Revision II, Ventura Marketing Area, is added to read as follows:

APPENDIX II (REVISION II)

VENTURA MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Ventura Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale f. o. b. purchaser's business location	Retail store carry-out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.77				
Gallon bottle	.83	$0.92	$0.96	$0.88	$0.82
Half-gallon container (fiber or glass)	.415	.46	.48	.44	.41
Quart container (fiber or glass)	.2075	.23	.24	.22	.205
Pint container (fiber or glass)	.115	.125	.135		.125
Third-quart or three-quarter-pint container (fiber or glass)	.082				
Half-pint container (fiber or glass)	.071				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ Pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.29 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Ventura Order No. 35 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Ventura Marketing Area" means that area as defined in said Ventura Order No. 35.

2. Appendix IV—Santa Barbara Marketing Area is added to read as follows:

APPENDIX IV

SANTA BARBARA COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Santa Barbara Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b producer's ranch
Bulk, milk, per gallon	$0.77				
Gallon bottle	.83	$0.92	$0.96	$0.83	$0.82
Half-gallon container (fiber or glass)	.415	.46	.48	.415	.41
Quart container (fiber or glass)	.2075	.23	.24	.2075	.205
Pint container (fiber or glass)	.115	.125	.135		.115
Third-quart or three-quarter-pint container (fiber or glass)	.082				
Half-pint container (fiber or glass)	.071				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20 cents per quart or the retail home-delivered base period price was in excess of 21 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk and special grades of milk) the ceiling price shall be your ceiling price for that kind of milk in effect immediately prior to November 8, 1952 plus $0.0075 per quart for sales at wholesale f. o. b. purchaser's business location and plus $0.01 per quart for sales at retail. A proportionate amount may be added by the above sellers for different sizes of containers. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.29 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Santa Barbara County Order No. 39 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Santa Barbara Marketing Area" means that area as defined in said Santa Barbara Order No. 39.

3. Appendix V—San Luis Obispo Marketing Area is added to read as follows:

APPENDIX V

SAN LUIS OBISPO MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Luis Obispo Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale f. o. h. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.71				
Gallon bottle	.79	$0.88	$0.92	$0.79	$0.78
Half-gallon container (fiber or glass)	.395	.44	.46	.395	.39
Quart container (fiber or glass)	.1975	.22	.23	.1975	.195
Pint container (fiber or glass)	.105	.12	.13		.12
Third-quart or three-quarter-pint container (fiber or glass)	.081				
Half-pint container (fiber or glass)	.067				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk and special grades of milk) the ceiling price shall be your ceiling price for that kind of milk in effect immediately prior to November 8, 1952, plus $0.0075 per quart for sales at wholesale f. o. b. purchaser's business location and plus $0.01 per quart for sales at retail. A proportionate amount may be added by the above sellers for different sizes of containers. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $5.95 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of San Luis Obispo Order No. 28 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "San Luis Obispo Marketing Area" means that area as defined in said San Luis Obispo Order No. 28.

4. Appendix VI—Kern Marketing Area is added to read as follows:

APPENDIX VI

KERN MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Kern Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.73			
Gallon bottle	.81	$0.90	$0.94	$0.80
Half-gallon container (fiber or glass)	.405	.45	.47	.40
Quart container (fiber or glass)	.2025	.225	.235	.20
Pint container (fiber or glass)	.115	.125	.13	.12
Third-quart or three-quarter-pint container (fiber or glass)	.080			
Half-pint container (fiber or glass)	.068			

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.27	$0.14	$0.07	$0.035	
Table cream	.42	.21	.11	.06	$0.03
All-purpose cream	.60	.30	.15	.08	.04
Whipping cream	.71	.36	.18	.09	.045

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk and special grades of milk) the ceiling price shall be your ceiling price for that kind of milk in effect immediately prior to November 8, 1952, plus $0.0075 per quart for sales at wholesale f. o. b. purchaser's business location and plus $0.01 per quart for sales at retail. A proportionate amount may be added by the above sellers for different sizes of containers. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.09 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Kern Order No. 20 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Kern Marketing Area" means that area as defined in said Kern Order No. 20.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12360; Filed, Nov. 14, 1952; 5:03 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 17]

INT. 17—NEW PROFIT SHARING AND OTHER BONUSES (GSO 12, REVISED)

This interpretation deals with the payment of bonuses by employers who are not authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended.

1. Q. Under what regulation or order of the Salary Stabilization Board may an employer, who is not authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended, pay bonuses to his employees?

A. Under General Salary Order 12, Revised.

2. Q. An employer paid a discretionary bonus to his employees in 1946 and none since. May he pay a bonus under General Salary Order 12, Revised?

A. No. The employer is authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended, computing his base period bonus fund in accordance with paragraph 2.02 of Interpretation 3, Revised. However, the bonus fund may be augmented by amounts available for increases in compensation under sections 22 and 41 of General Salary Stabilization Regulation 1, Amended. (See Interpretation 3, Revised, paragraphs 9.01–9.08.)

3. Q. An employer paid discretionary bonuses to his employees in each of the calendar years 1942–1945. However, he paid no bonuses subsequent to 1945. May the employer pay bonuses to his employees for the calendar year 1952?

A. Yes, but only in accordance with the provisions of General Salary Order 12, Revised. Since the employer did not pay bonuses to his employees during any of the five calendar years 1946–1950, he does not have a base period bonus fund for the payment of bonuses under General Salary Stabilization Regulation 2, as amended.

NOTE: In the questions which follow the bonuses to which reference is made are, unless otherwise specified, new bonuses within the scope of General Salary Order 12, Revised.

4. Q. When is an employer on a calendar year basis able to determine the amount available for payment of bonuses in or with respect to the calendar year 1952?

A. In the last payroll period of the calendar year 1952.

5. Q. Could the employer distribute part of the bonus in or with respect to the calendar year 1952 on June 30, 1952?

A. No. Since the employer cannot determine the amount available for the payment of bonuses prior to the end of the last payroll period of the calendar

year 1952, distribution of the bonuses cannot be made prior to such period.

6. Q. An employer who desires to pay bonuses for the calendar year 1952 and has an amount available for such purposes at the end of such calendar year, desires to pay one-half of such bonus on December 31, 1952, and the other half on June 30, 1953. May he do so?

A. Yes.

7. Q. An employer computes his bonus fund as of December 31, 1952. Does such fund also constitute the employer's bonus fund for subsequent calendar years?

A. No. If the employer desires to pay bonuses at the end of the subsequent calendar year, he must compute the amount available to him in the last payroll period of any subsequent calendar year and may not exceed such amount in the distribution of bonuses. This amount may be the same or may be larger or smaller than the amount available to him at the end of the calendar year 1952.

Example: (a) The net authorized percentage available to the employer under section 41 of General Salary Stabilization Regulation 1, Amended, may be greater at the end of the calendar year 1953 than at the end of the calendar year 1952 because of an increase in base compensation granted to the Wage Board group in 1953.

(b) An employer having moneys available at the end of 1953 for increases in salaries and other compensation for a group of employees under section 22 of General Salary Stabilization Regulation 1, Amended, has more employees in the group at the end of 1953 than at the end of 1952. Under section 22, a larger amount would be available at the end of 1953 because of the increase in the number of employees in the group. (See Interpretation 4, Revised.)

(c) An employer who prior to December 31, 1952, had not used any part of the amount available under section 22 of General Salary Stabilization Regulation 1, Amended, for increases in salaries and other compensation, uses part of such amount during 1953 for salary increases. If employment has remained stable, the amount which the employer will have available for bonuses at the end of 1953, will be smaller than the amount at the end of 1952.

8. Q. An employer on the calendar year basis desires to pay bonuses for a current calendar year. He has only granted part of the increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended. How does he compute the amount which he may pay as bonuses under the order out of moneys available under section 22?

A. By (1) separately computing for each group of employees the amount available to him for increases in salaries and other compensation under section 22 in the last payroll period of the calendar year; (2) then multiplying the amount by the number of payroll periods in the calendar year just elapsed for the group; and (3) adding all such amounts. Such total constitutes the employer's bonus fund in or with respect to the current calendar year.

9. Q. An employer, desiring to pay bonuses in or with respect to a current calendar year, does not have moneys available for increases in compensation under section 22 of General Salary Stabilization Regulation 1, Amended. However, the employer has never granted any increases under section 41 of that regulation, and consequently has moneys available for new bonuses under that section. All the employees of the employer are paid on the same monthly basis. How does the employer determine the amount available?

A. By computing the amount available under section 41 of General Salary Stabilization Regulation 1, Amended, for the last payroll period of the current calendar year and multiplying the amount so obtained by the number of payroll periods in the year, which in this instance is twelve (12).

10. Q. If the employer, referred to in paragraphs 8 and 9, conducted his business on a fiscal rather than on a calendar year basis, would the computation of the amount available for bonuses be affected?

A. The only change in the computation would be the substitution of the final payroll period in the fiscal year for the final payroll period in the calendar year.

11. Q. An employer paid bonuses for the fiscal year ending June 30, 1952, out of moneys available under section 22 of General Salary Stabilization Regulation 1, Amended. Thereafter, he desires to use the amount available to grant salary increases to his employees. What is the earliest time at which such increases may be put into effect?

A. July 1, 1952. Any bonuses paid out of amounts available under section 22 of General Salary Stabilization Regulation 1, Amended, cover all payroll periods of the calendar or fiscal year in or with respect to which the bonuses are paid. Therefore, the earliest time at which any amount becomes available for granting salary increases or for other purposes is the first payroll period of the next fiscal or calendar year, which in this example begins on July 1, 1952.

12. Q. An employer, having a fiscal year ending September 30, granted salary increases under section 22 of General Salary Stabilization Regulation 1, Amended, to his employees effective March 1, 1952, in the amount of 6 percent. What is the amount available for the payment of bonuses in the payroll period immediately preceding September 30, 1952?

A. An amount equivalent to 4 percent of the payroll in such payroll period multiplied by the number of payroll periods in the year. The amount available is not affected by the fact that the salary increases in the amount of 6 percent granted under section 22 of General Salary Stabilization Regulation 1, Amended, were effective only for part of the fiscal year ending September 30, 1952.

13. Q. An employer paid bonuses for the fiscal year ending June 30, 1952, out of moneys available under section 41 of General Salary Stabilization Regulation 1, Amended, amounting to 6½ percent of the base compensation paid to the employees under the jurisdiction of the Salary Stabilization Board in the last payroll period of the fiscal year ending June 30, 1952. The 6½ percent represents 4½ percent computed in the last payroll period of the fiscal year ending June 30, 1952 and a 2 percent carryover from a previous computation made in the last payroll period of the calendar year 1951. What is the earliest payroll period in which these moneys can be used for the granting of salary increases?

A. (1) As to the 2 percent carryover: In the first payroll period in January 1953, the employer, under section 41 of General Salary Stabilization Regulation 1, Amended, had an authorized percentage of two (2) percent for increases in compensation, computed in the last payroll period in the calendar year 1951. He had used this percentage in paying bonuses for the fiscal year ending June 30, 1952. Inasmuch as he may not use this percentage for other purposes until one year (i. e. the number of "payroll periods in a year") has elapsed since the date of computation, the earliest payroll period in which he may use the percentage for salary increases, or for any other purpose, would be the first payroll period in January 1953.

(2) As to the 4½ percent increase: In the first payroll period in July 1953, the employer had, under section 41 of General Salary Stabilization Regulation 1, Amended, an authorized percentage of four and one-half (4½) percent for increases in compensation, computed as of the last payroll period in the fiscal year ending June 30, 1952. In order to make bonus payments for the fiscal year ending June 30, 1952, the employer was required to anticipate moneys available for future increases under section 41 of General Salary Stabilization Regulation 1, Amended, for the period from July 1, 1952 to June 30, 1953. Accordingly, the employer may not use this percentage for salary increases or for any other purposes until the first payroll period in July, 1953.

14. Q. Assuming that the employer referred to in the previous paragraph had given no increases in salaries and other compensation under section 41 of General Salary Stabilization Regulation 1, Amended, during the period from July 1, 1952 to June 30, 1953, may he pay bonuses for the fiscal year ending June 30, 1953 under General Salary Order 12, Revised?

A. Yes. The employer may pay bonuses for the fiscal year ending June 30, 1953 by anticipating the entire six and one-half (6½) percent increase in salaries and other compensation, authorized under section 41 of General Salary Stabilization Regulation 1, Amended, in the same manner as such increases were anticipated for the payment of bonuses for the fiscal year ending June 30, 1952.

15. Q. An employer gave increases to Wage Board employees on March 1 and June 1, 1952. Immediately prior to June 30, 1952, he computes the amount available to him under section 41 of General Salary Stabilization Regulation 1, Amended, to be paid as bonuses to employees under the jurisdiction of the Salary Stabilization Board. When does the amount so computed on a per payroll

period basis again become available for salary increases?

A. On July 1, 1953. In determining the date when any amount becomes available for distribution under section 41 of General Salary Stabilization Regulation 1, Amended, the date of computation and not the date of prior increases to employees under the jurisdiction of the Wage Stabilization Board governs.

16. Q. Are there any limitations on the distribution of the bonus fund among his individual employees which an employer may pay under General Salary Order 12, Revised?

A. No. The employer may adopt any plan or practice, or make any individual distribution, which he desires.

17. Q. If the employer should create intra-plant inequities because of the manner in which bonuses are distributed, may he obtain relief from the Office of Salary Stabilization for the purpose of correcting such inequities?

A. No. The unequal distribution of bonuses may not be used at any later date as a basis for seeking adjustments in salary or other compensation on the ground that such distribution has created hardships or inequities.

18. Q. Are employers required to keep records with regard to bonuses distributed under General Salary Order 12, Revised?

A. Yes. Pursuant to section 3 of the order employers must keep the records and prepare the summary statements required by section 101 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization this 14th day of November, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-12473; Filed, Nov. 19, 1952; 10:56 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective November 5, 1952, that part of Amendment 86 to Schedule A of Rent Regulation 1 and Amendment 84 to Schedule A of Rent Regulation 2 which pertains to Item 267 (Pittsburgh Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 17th day of November 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh	B	In Allegheny county, the cities of Clairton, Duquesne, McKeesport, and Pittsburgh, the townships of Aleppo, Baldwin, Elizaheth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Aspinwall, Baldwin, Blawnox, Breckenridge, Braddock, Braddock Hills, Brentwood, Bridgefield, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Etna, Glassport, Glenfield, Heidelhert, Homestead, Leetsdale, McKees Rocks, Millvale, Munhall, North Braddock, Pitcairn, Port Vue, Rankin, Sharpsburg, Springdale, Swissvale, Tarentum, Turtle Creck, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in Allegheny County, except those in the townships of Crescent, Franklin, Mount Lebanon, Ohio, Penn, and Shaler, and the boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn, Farms, and Wilkinsburg; in Armstrong County, the township of Pine, the boroughs of Ford City, Kittaning, North Apollo, and West Kittaning, and all unincorporated localities; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the horoughs of Aliquippa, Baden, and Monaca, and that part of Beaver County north and east of the Ohio River, (except the townships of Economy and Brighton and the boroughs of Amhridge, Beaver, and Conway), and all unincorporated localities in Beaver County, except those in the township of Brighton and the borough of Beaver; in Fayette County, the cities of Connellsville and Uniontown, the townships of Dunbar, German, Perry, Redstone, and Washington, the boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Masontown, South Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Stewart, and Wharton; in Lawrence County, the horoughs of Bessemer and Elwood City, and all unincorporated localities except those in the horough of New Wilmington; in Washington County, the cities of Monongahela and Washington, the townships of Canton, East Pike Run, North Strahane, Smith, and South Strahane, the boroughs of Allenport, Beallsville, Bentleyville, California, Canonsburg, Centreville, Charleroi, Coal Center, Cokehurg, Donora, Dunlevy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscoe, West Brownsville, and all unincorporated localities except those in the townships of East Finley, Morris, South Franklin, and West Finley; in Westmoreland County, the cities of Arnold, Jeannette, Monessen and New Kensington, the townships of East Huntingdon, Rostraver, Unity and Upper Burrell, the towns of East Vandergrift and Oklahoma, the boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Scottdale, Trafford, Vandergrift, and West Newton, and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
	B	In Lawrence County, the city of New Castle and all other incorporated municipalities except the boroughs of Bessemer, Elwood City, and New Wilmington.	Sept. 30, 1952	Oct. 8, 1952
	C	That part of Beaver County north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
	C	In Beaver County, the townships of Center and Potter, and the horough of Monaca.	do	Apr. 1, 1952
	A	In Beaver County, Brighton Township	do	Feb. 28, 1952

[F. R. Doc. 52-12403; Filed, Nov. 19, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—FILMING OF MOTION PICTURES

ISSUANCE OF PERMIT

Paragraph (d) of § 5.5, entitled *Issuance of permit,* is amended to read as follows:

(d) The permittee in any area administered by the National Park Service shall, in the discretion of the Superintendent, give appropriate courtesy credit in all motion pictures in which photographed scenes are used.

(R. S. 161, 453, 463, 2478, sec. 10, 32 Stat. 390, sec. 3, 39 Stat. 535, sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 5 U. S. C. 22, 16 U. S. C. 3, 715i, 25 U. S. C. 2, 43 U. S. C. 2, 1201, 373, 315a)

Issued this 14th day of November 1952.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12365; Filed, Nov. 19, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.47 *Undeliverable articles, charges,* amend paragraph (c) (2) by striking out the words "to a charge at

the rate of 1 cent for each 2 ounces or fraction of 2 ounces" and inserting in lieu thereof "a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction thereof."

b. In § 127.213 *Barbados* add the following sentence to subdivision (ii) of paragraph (b) (6): "In connection with (*a*) of this subdivision, it is understood that licenses are readily granted for bona fide unsolicited gifts not exceeding $37.50 in value."

c. In § 127.304 *Mexico* amend subdivision (iv) of paragraph (b) (7) to read as follows:

(iv) The c. o. d. fees (which cover registration) are as follows, effective December 1, 1952:

For collection of a maximum of 100 pesos and an indemnity up to $10__	$0.80
For collection of a maximum of 500 pesos and an indemnity up to $50___	1.10
For collection of a maximum of 1,000 pesos and an indemnity up to $100__	1.20

NOTE: No indemnity payable for rifling or damage.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12366; Filed, Nov. 19, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 9—AERONAUTICAL SERVICES

APPLICATION FOR CIVIL AIR PATROL RADIO STATION CONSTRUCTION PERMIT; CORRECTION

In the matter of adoption of FCC Form 480, Application for Civil Air Patrol Radio Station Construction Permit and License, and amendment of Parts 1 and 9 of the Commission's rules.

The above-entitled document dated October 9, 1952, published at 17 F. R. 9561 (F. R. Doc. 52-11347) is corrected as it appeared therein as follows:

Change item 1b to read:

b. Add paragraph (e) to § 1.312 to read as follows:

(e) FCC Form 480, "Application for Civil Air Patrol Radio Station Construction Permit and License".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12461; Filed, Nov. 19, 1952; 9:19 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1952-53 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1952-53 crop year, and fix a rate of assessment for such year, as hereinafter set forth. Such budget and rate of assessment are proposed after consideration of the recommendation submitted by the said committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

It will, of course, be necessary that all salary payments by the Prune Administrative Committee be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive, or regulation pursuant thereto.

The proposed rule is as follows:

§ 993.303 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1952-53 crop year*—(a) *Budget of expenses of the Prune Administrative Committee for the 1952-53 crop year.* Expenses in the amount of $87,100 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1952.

(b) *Rate of assessment for the 1952-53 crop year.* Each handler shall pay to the Prune Administrative Committee, in accordance with the amended marketing agreement and amended order, an assessment rate of 65 cents for each ton of salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year beginning August 1, 1952, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Issued at Washington, D. C., this 14th day of November 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-12414; Filed, Nov. 19, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-125]

STATEMENTS AND REPORTS (SCHEDULES)

FPC FORM NO. 11[1] (REVISED), MONTHLY STATEMENT OF OPERATING REVENUES FOR NATURAL GAS COMPANIES (CLASSES A AND B)

NOVEMBER 13, 1952.

Amendment of Part 260 of the Commission's general rules and regulations prescribing F. P. C. Form No. 11, Monthly Statement of Operating Revenues and Income Required of Class A and B Natural Gas Companies Subject to the Provisions of the Natural Gas Act.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective for the filing of the monthly statement for January, 1953, the Commission proposes to amend § 260.3 of Part 260—Statements and Reports (Schedules), of the general rules and regulations (18 CFR, Chapter I, Subchapter G, Part 260) by revising the said Form No. 11 to call for additional information consisting of: (1) Detail of operating expenses by functional accounts groups, including a statement of the cost of purchased gas and the volume purchased, (2) interest charged to construction, (3) gas construction work in progress, (4) gas materials and supplies, and (5) volume and value of gas stored underground. Dividend appropriations required to be reported in the existing form will be omitted in the proposed revision. The revised § 260.3, including revised F. P. C. Form No. 11,[1] is to read as set forth below, and is made a part hereof by reference.

3. The proposed revision of Form No. 11 is deemed necessary or appropriate to carry out the provisions of the Natural Gas Act and reflects the Commission's experience as to the need for additional information in that connection.

4. This revision is proposed to be issued pursuant to the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 10 (a) and 16 thereof (52 Stat. 826, 830; 15 U. S. C. 717i, 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than December 1, 1952, data, views, and comments in

[1] Filed as part of the original document.

writing concerning the proposed revision. An original and four copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY, *Secretary.*

§ 260.3 *F. P. C. Form No. 11 (revised), Monthly Statement of Operating Revenues and Income for Natural Gas Companies (Classes A and B).* (a) F. P. C. Form No. 11 (revised), Monthly Statement of Operating Revenues and Income for Natural Gas Companies, as defined in the Natural Gas Act, which are in Classes A and B, as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, subject to the provisions of the Natural Gas Act, is hereby prescribed.

(b) Each natural gas company which is in Class A or B shall file with the Commission one copy of such Monthly Statement of Operating Revenues and Income, F. P. C. Form No. 11 (revised), for the month of January 1953 and each month thereafter; said statement is to be filed on or before the last day of the month following that covered by the statement; said statement shall be signed by the Chief Accounting Officer of each said natural gas company, but is not required to be under oath.

(c) One copy of said F. P. C. Form No. 11 (revised) shall be filed.

[F. R. Doc. 52-12367; Filed, Nov. 19, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-18]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization, Abolition of offices of Collectors and Deputy Collectors of Alabama, Louisiana, and Mississippi Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Alabama, Louisiana, and Mississippi Collection Districts shall become effective as of 12 o'clock midnight, November 19, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 20, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Birmingham District, and which shall be comprised of the States of Alabama, Louisiana, and Mississippi.

3. *Location of headquarters.* The headquarters office shall be located in the City of Birmingham, Alabama.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 20, 1952, there are hereby created the following offices within the Birmingham District:

(a) Director of Internal Revenue for the Collection District of Alabama (as presently constituted). The headquarters of such office shall be located in Birmingham, Alabama, and the office shall have the operating title of Director of Internal Revenue, Birmingham.

(b) Director of Internal Revenue for the Collection District of Louisiana (as presently constituted). The headquarters of such office shall be located in New Orleans, Louisiana, and the office shall have the operating title of Director of Internal Revenue, New Orleans.

(c) Director of Internal Revenue for the Collection District of Mississippi (as presently constituted). The headquarters of such office shall be located in Jackson, Mississippi, and the office shall have the operating title of Director of Internal Revenue, Jackson.

Dated: November 18, 1952.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

[F. R. Doc. 52-12484; Filed, Nov. 19, 1952; 11:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

ORDER OF RESTORATION FROM POWER SITE CLASSIFICATION NO. 55 AND POWER SITE CLASSIFICATION NO. 272

NOVEMBER 14, 1952.

Pursuant to Order of Cancelation No. 89, dated September 29, 1947, of the Geological Survey, affecting Power Site Classification No. 55 and Power Site Classification No. 272, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdawn or reserved for power purposes, are hereby restored to disposition under any applicable public land law:

1. In Power Site Classification No. 55.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 20 W.,
Sec. 18, lot 1, NE¼NW¼.
T. 16 N., R. 20½ W.,
Sec. 2, lots 3 and 4, S½NW¼, and S½;
Secs. 10 and 12;
Sec. 14, NE¼;
Sec. 22, lots 1 and 2;
Sec. 34, lots 1, 2, 3, and 4, E½SE¼.
T. 16 N., R. 21 W.,
Sec. 10, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼ and SE¼;
Secs. 12, 14 and 24.
T. 17 N., R. 21 W.,
Sec. 4;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 10, W½;
Sec. 22, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 26, W½ and SE¼;
Sec. 34, NE¼ and E½SE¼.
T. 18 N., R. 21 W.,
Sec. 6, lots 4, 5, 6, and 7;
Sec. 8, W½SW¼;
Sec. 18, NE¼, NE¼NW¼ and SE¼;
Sec. 20, W½NE¼, W½ and W½SE¼;
Sec. 28, W½W½.
T. 19 N., R. 21 W.,
Secs. 6 and 20.
T. 20 N., R. 21 W.,
Sec. 4, lots 3 and 4, S½NW¼;
Sec. 6;
Sec. 8, S½;
Secs. 9 and 18;
Sec. 20, NW¼.
T. 21 N., R. 21 W.,
Sec. 28, SW¼;
Sec. 30, NE¼, E½W½ and SE¼.
T. 22 N., R. 21 W.,
Sec. 18;
Sec. 34, N½.
T. 18 N., R. 22 W.,
Sec. 2, lots 1, 2, and 3, S½NE¼ and NE¼SE¼;
Sec. 12, NE¼ and NE¼SE¼.
T. 19 N., R. 22 W.,
Secs. 12 and 14;
Sec. 22, lots 1, 2, and 3, E½NE¼ and E½SE¼;
Secs. 24 and 26;
Sec. 34, E½NE¼ and NE¼SE¼.
T. 20 N., R. 22 W.,
Sec. 12, E½NE¼ and SE¼;
Sec. 18, S½NE¼ and S½;
Secs. 20, 24, and 26.

2. In Power Site Classification No. 272:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 21 N., R. 21 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14, E½SW¼ and W½SE¼;
Sec. 7, lot 1, NE¼, NE¼NW¼, SE¼SW¼ and SE¼;
Sec. 18, E½;
Sec. 19, NE¼, E½SW¼ and SE¼;
Sec. 20, W½W½.
T. 22 N., R. 22 W.,
Sec. 12, NE¼, N½NW¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 24, NE¼, E½NW¼ and SE¼;
Sec. 25, NE¼ and NE¼SE¼.
T. 23 N., R. 22 W.,
Sec. 14, NE¼, N½NW¼, SE¼NW¼ and SE¼.
T. 24 N., R. 22 W.,
Sec. 6, lot 2, SW¼NE¼ and W½SE¼;
Sec. 8, S½N½, E½SW¼ and SE¼;
Sec. 22, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼ and W½SE¼;
Sec. 34, E½NE¼.
T. 25 N., R. 22 W.,
Sec. 21, NW¼ and E½SW¼;
Sec. 28, N½NW¼;
Sec. 29, SE¼SE¼;
Sec. 31, S½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼ and SE¼.

The areas described, including both public and non-public lands, aggregate 27,347.32 acres.

Of the above described areas only the following-described lands are not embraced in other forms of withdrawal;

GILA AND SALT RIVER MERIDIAN

T. 16 N., R. 20 W.,
Sec. 18, lot 1 and NE¼NW¼.
T. 17 N., R. 21 W.,
Sec. 10, W½.
T. 18 N., R. 21 W.,
Sec. 28, W½W½.
T. 22 N., R. 21 W.,
Sec. 34, N½.

The public lands described in this order shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication. At that time the lands not embraced in other forms of withdrawal shall become subject to application, petition, and selection, subject to valid existing rights, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–12406; Filed, Nov. 19, 1952; 8:52 a. m.]

ARIZONA

ORDER OF RESTORATION FROM POWER SITE RESERVE NO. 590

NOVEMBER 14, 1952.

Pursuant to a determination of the Federal Power Commission, Docket No. DA–109–Arizona, dated June 10, 1952, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved for power purposes, are hereby restored to disposition under any applicable public-land law:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 22 E.,
Sec. 11, lot 1, containing 37.85 acres.

The land is located north of the Gila River, three miles northwest of Geronimo, Arizona. The tract has been classified as suitable for disposal under private exchange in a Bureau of Land Management program for consolidation of private and Federal land holdings in this locality.

The land described in this order shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–12405; Filed, Nov. 19, 1952; 8:52 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NOS. 51, 90, 240, 254; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 51 approved February 3, 1931, and enlarged February 9, 1931, Air Navigation Site Withdrawal No. 90 approved March 7, 1934, Air Navigation Site Withdrawal No. 240 approved October 10, 1947, and Air Navigation Site Withdrawal No. 254 approved August 11, 1948, withdrawing lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, are hereby revoked so far as they affect the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 9 W.,
Sec. 31, NE¼NE¼ and NW¼NE¼.
T. 27 S., R. 16 W.,
Sec. 22, NE¼NE¼.
T. 26 S., R. 1 E.,
Sec. 9, SE¼NW¼SW¼.
T. 21 S., R. 1 W.,
Sec. 35, S½NE¼SW¼, N½SE¼SW¼.
T. 18 S., R. 1 W.,
Sec. 10, S½SW¼NE¼NW¼, S½SE¼NW¼NW¼, NE¼SW¼NW¼, N½SE¼SW¼NW¼, N½SW¼SE¼NW¼, NW¼SE¼NW¼.

The areas described aggregate 210 acres.

The lands are for the most part located in rough and mountainous areas and are primarily suitable for grazing. These lands will not be subject to occupancy or disposition under any non-mineral public land law until they have been classified. It is unlikely that any of the lands will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date hereof. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–12409; Filed, Nov. 19, 1952; 8:53 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 53; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 53 approved February 9, 1931, withdrawing certain lands in Arizona for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

GILDA AND SALT RIVER MERIDIAN

T. 19 N., R. 21 E.
Sec. 30, NE¼SE¼, containing 40 acres.

The land is located approximately 8 miles north of Holbrook, Arizona. The soil is of a sandy clay type and supports a very sparse growth of annual weeds and grama grass. The land is suitable primarily for grazing and will not be subject to occupancy or disposition under any non-mineral public land law until it has been classified. It is unlikely that the land will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date hereof. At that time the land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and

others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–12407; Filed, Nov. 19, 1952; 8:53 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 54; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 54 approved February 21, 1931, withdrawing certain lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 2 W.,
Sec. 8, containing 640 acres.

The land is located approximately 30 miles west of El Paso, Texas. Topography is rough to hilly, and soil is sandy with a shallow caliche layer. Vegetation is desert type. The land is primarily suitable for grazing and will not be subject to occupancy or disposition under any non-mineral public land law until it has been classified. It is unlikely that the land will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52–12403; Filed, Nov. 19, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6449]

WISCONSIN POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

NOVEMBER 14, 1952.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, authorizing and approving acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12369; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket No. E–6461]

OHIO VALLEY ELECTRIC CORP. ET AL.

NOTICE OF ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

NOVEMBER 14, 1952.

In the matters of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, Atomic Energy Commission, Columbus and Southern Ohio Electric Company, the Dayton Power and Light Company, Southern Indiana Gas and Electric Company, the Toledo Edison Company, and Appalachian Electric Power Company, the Cincinnati Gas & Electric Company, Indiana & Michigan Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Monongahela Power Company, Ohio Edison Company, the Ohio Power Company, Pennsylvania Power Company, the Potomac Edison Company, West Penn Power Company; Docket No. E–6461.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, determining emergency and granting exemption for the use of interconnections in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12370; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket No. G–1336]

EAST TENNESSEE NATURAL GAS CO.

NOVEMBER 14, 1952.

NOTICE OF OPINION NO. 240 AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Notice is hereby given that on November 12, 1952, the Federal Power Commission issued its Opinion No. 240 and order entered November 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12371; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket Nos. G–1693, G–1473, G–1649, G–1727, G–1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PROVIDING FOR FURTHER HEARING

NOVEMBER 14, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1693; Alabama-Tennessee Natural Gas Company, Docket No. G–1473; Tennessee Gas Company, Docket No. G–1649; Shippensburg Gas Company, Docket No. G–1727; Consumers Gas Company, Docket No. G–1737.

On July 3, 1952, the Commission issued its order accompanying Opinion No. 231, whereby it authorized and directed Texas Eastern, inter alia, to reserve certain specified quantities of gas for Permian Gas and Oil Company, Patoka Development Corporation, Ohio Valley Gas Corporation, and Tennessee Gas Company. Such reservation was subject to the provision, among others, that each such corporation should, by November 1, 1952, have filed an application for and have received a certificate of public convenience and necessity, authorizing it to construct and operate the necessary facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision in these proceedings.

An application was filed by Ohio Valley Gas Corporation in Docket No. G–1940 on April 16, 1952, for a certificate of public convenience and necessity to enable it to provide natural-gas service to the City of Connersville, Indiana, the city designated in the Presiding Examiner's decision to be served by Ohio Valley Gas Corporation. Pursuant to Commission requests, certain additional information in connection with said application was filed on October 16, 1952, by Ohio Valley Corporation as a supplement to its application. Said application was not disposed of by November 1, 1952.

On September 8, 1952, Permian Gas and Oil Company filed an application for a certificate of public convenience and necessity, authorizing it to construct and operate facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision. The company has been requested by the Commission to furnish certain additional information in connection with its application. Said application was not disposed of by November 1, 1952.

On September 29, 1952, Tennessee Gas Company filed a motion to modify the Commission's order of July 3, 1952, so that Tennessee Gas Pipe Line Company, an affiliate of Tennessee Gas Company, instead of Tennessee Gas Company, be authorized to construct and operate facilities to transport natural gas to the City of Murfreesboro, Tennessee. Said motion states that, while Tennessee Gas Company proposes to purchase gas from Texas Eastern Transmission Corporation and to provide natural-gas service to Murfreesboro, it is proposed that its affiliate, Tennessee Gas Pipe Line Company, transport such gas. An applica-

tion in Docket No. G–2046 for a certificate of public convenience and necessity to transport such gas was filed by Tennessee Gas Pipe Line Company on September 10, 1952. Said application in Docket No. G–2046 was not disposed of by November 1, 1952.

On September 29, 1952, Patoka Development Corporation and the Cities of Jasper and Huntingburg, Indiana, filed a petition for modification and amendment of the order of July 3, 1952, to enable Texas Eastern Transmission Corporation to sell and deliver gas to the Cities of Jasper and Huntingburg, instead of to Patoka Development Corporation for distribution by it to such cities. Patoka Development Corporation did not receive a certificate of public convenience and necessity prior to November 1, 1952.

In connection with said motion filed by Tennessee Gas Company on September 29, 1952, and said petition filed by Patoka Development Corporation and the Cities of Jasper and Huntingburg, on September 29, 1952, Texas Eastern Transmission Corporation filed, on October 14, 1952, a petition in which it adopted by reference and joined in said motion and said petition filed on September 29, 1952.

The Commission finds:

(1) Good cause exists for amending the order issued July 3, 1952, so that paragraph (B) (3) thereof shall provide (a) that the reservation of gas for Ohio Valley Gas Corporation and Permian Gas and Oil Company shall be contingent upon issuance to each of a certificate of public convenience and necessity on or before January 5, 1953, authorizing each respectively to construct and operate facilities to enable it to provide natural-gas service to the respective towns designated in the Presiding Examiner's decision in these proceedings; and (b) that the reservation of gas for Tennessee Gas Company for provision of natural-gas service to the City of Murfreesboro, Tennessee, shall be contingent upon issuance to Tennessee Gas Pipe Line Company of a certificate of public convenience and necessity on or before January 5, 1953, authorizing it to construct and operate facilities to transport such gas.

(2) Good cause has not been shown for granting the petition filed September 29, 1952, by Patoka Development Corporation and the Cities of Jasper and Huntingburg to amend the order issued July 3, 1952, in the manner requested in said petition.

(3) It is appropriate and in the public interest that Texas Eastern be authorized and directed to reserve a daily volume of 3,400 Mcf of gas for a period of 90 days from the date of issuance of the order herein, pending determination of the matters referred to in finding (4) below.

(4) It is appropriate and in the public interest that the record in Docket No. G–1693 be reopened and that a hearing be held as hereinafter ordered for the purpose of determining whether public convenience and necessity require the amendment of the order issued July 3, 1952, in the manner jointly requested by Patoka Development Corporation, the Cities of Jasper and Huntingburg, and Texas Eastern.

The Commission orders:

(A) Paragraph (B) (3) of the order accompanying Opinion No. 231, issued July 3, 1952, be and it is hereby amended in the following respects:

(i) The reservation of gas for Permian Gas and Oil Company and Ohio Valley Gas Corporation be and it hereby is extended to January 5, 1953: *Provided, however,* That each such corporation shall, on or before January 5, 1953, have received a certificate of public convenience and necessity authorizing it to construct and operate the necessary facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision to these proceedings.

(ii) The reservation of gas for Tennessee Gas Company be and it is hereby extended to January 5, 1953: *Provided, however,* That Tennessee Gas Pipe Line Company shall, on or before January 5, 1953, have received a certificate of public convenience and necessity to construct and operate the necessary facilities to enable it to transport gas from Texas Eastern's pipe line to the City of Murfreesboro, Tennessee.

(iii) Texas Eastern be and it is hereby authorized and directed to continue to reserve for a period of 90 days from the date of issuance of the order herein, pending determination of the matters referred to in finding (4) hereof, a daily volume of natural gas not to exceed 3,400 Mcf.

(B) Upon its own motion, and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on December 1, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in connection with the matters set forth in finding (4) hereof.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12368; Filed, Nov. 19, 1952; 8:46 a. m.]

[Docket No. G–2038]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 14, 1952.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12372; Filed; Nov. 19, 1952; 8:47 a. m.]

[Docket No. G–2039]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 13, 1952.

On September 4, 1952, Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, filed an application, as supplemented on October 17, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in its application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on September 20, 1952 (17 F. R. 8464).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on December 4, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32(b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12373; Filed, Nov. 19, 1952; 8:48 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSE

NOVEMBER 14, 1952.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r), that the California Oregon Power Company, of Medford, Oregon, has made two applications for amendment of license for major Project No. 1927 to include as parts of the project two additional developments on North Umpqua River in Douglas County, Oregon, and affecting lands of the United States with Umpqua National Forest, the two developments being:

Lemolo No. 1 development to consist of a diversion dam located on North Umpqua River about one mile downstream from the mouth of Lake Creek with an over-all crest length of 885 feet, a maximum height of 120 feet and a free crest spillway section 88 feet long; a reservoir with an area of 415 acres at elevation 4,145 feet and a capacity of 13,000 acre-feet of which 12,000 acre-feet would be usable storage; a conduit 16,675 feet long with capacity of 565 second-feet, extending from the dam to the forebay; a steel penstock 7,080 feet long from the forebay to the powerhouse; a powerhouse containing a 40,000-horsepower turbine connected to a 29,000-kw. outdoor-type generator; an outdoor substation; a 132-kv single circuit transmission line about 13 miles long from the plant to Clearwater No. 2 development; and appurtenant facilities; and

Lemolo No. 2 development of consist of a low diversion dam with an over-all crest length of 195 feet, a maximum height of 25 feet, and a free crest spillway section 80 feet long located about 500 feet downstream from the mouth of Warm Springs Creek and Lemolo No. 1 powerhouse; a conduit 78,470 feet long with a capacity of 655 second-feet, extending from the diversion dam to the forebay; a forebay with a capacity of 230 acre-feet; a steel penstock about 2,850 feet long; a powerhouse containing a 46,000-horsepower turbine connected to a 33,000-kw outdoor-type generator; an outdoor substation; a short transmission line to connect the plant with the Lemolo No. 1—Clearwater No. 2 132-kv line; and appurtenant facilities.

Any protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the second day of January 1953. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12374; Filed, Nov. 19, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 92]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

NOVEMBER 18, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Albion, Michigan, Area. (The area consists of the city of Albion and the townships of Albion, Eckford, Marengo, and Sheridan; all in Calhoun County, Michigan.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52–12451; Filed, Nov. 18, 1952; 1:16 p. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 8–A]

GEORGIA RAILROAD ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 8, and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 8 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective 9:00 a. m., November 14, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 14, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52–12401; Filed, Nov. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27541]

SAND, GRAVEL AND CRUSHED STONE FROM MARLBORO, S. C., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 998.

Commodities involved: Sand, gravel, crushed stone, and related commodities, carloads.

From: Marlboro, S. C.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of a distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12396; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27542]

COMMODITY RATES BETWEEN TRACKTOWNE, PA., AND POINTS IN UNITED STATES AND CANADA

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Consolidated Freight Classification No. 20, Agent W. S. Flint's I. C. C.—O. C. No. 64.

Commodities involved: All commodities.

Between: Tracktowne, Pa., and points in the United States and Canada.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12397; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27543]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO BRISTOL, PA., AND WOODBINE, N. J.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles, and West Lake Charles, La.

To: Bristol, Pa., and Woodbine, N. J.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 177. F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12398; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27544]

NEWSPRINT PAPER FROM QUEBEC, ONTARIO, AND NEW BRUNSWICK, CANADA, TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Newsprint paper, carloads.

From: Points in the provinces of Quebec, Ontario, and New Brunswick, Canada.

To: Bristol, Va.-Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: Can. Nat. Ry. tariff I. C. C. No. E–447, Supp. 105. Can. Pac. Ry. tariff I. C. C. No. E–2597, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12399; Filed, Nov. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27545]

PETROLEUM OIL FROM CERTAIN POINTS TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, I. N. Doe, and L. C. Schuldt, Agents, for carriers parties to schedules listed below.

Commodities involved: Petroleum oil, in tank-car loads.

From: Indian Orchard, Mass., Nitro, W. Va., Philadelphia and Marcus Hook, Pa., North Claymont, Del., Pettys Island and Paulsboro, N. J.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A–850, Supp. 119. I. N. Doe, Agent, I. C. C. No. 604, Supp. 18. L. C. Schuldt, Agent, I. C. C. No. 4238, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12400; Filed, Nov. 19, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2887]

GENERAL PUBLIC UTILITIES CORP.

THIRD SUPPLEMENTAL ORDER RELEASING JURISDICTION AS TO LEGAL AND ACCOUNTING FEES

NOVEMBER 14, 1952.

The Commission by orders entered herein on June 27, July 1, and July 2, 1952, having authorized and approved the issuance and sale by General Public Utilities Corporation ("GPU"), a registered holding company, of 531,949 additional shares of its common stock, pursuant to the provisions of the Public Utility Holding Company Act of 1935, reserving jurisdiction only with respect to the legal and accounting fees to be paid by GPU herein; and

The record being completed with respect to such fees, as follows: Shearman & Sterling & Wright, general counsel, $14,000; Berlack & Israels, associate counsel, $4,000; Lybrand, Ross Bros. & Montgomery, accountants, $6,000; and

The Commission, on the basis of its examination of the record, finding that the payment of said fees in the amounts proposed would not be unreasonable, and deeming it appropriate to release the jurisdiction heretofore reserved with respect thereto:

It is ordered, That the jurisdiction heretofore reserved with respect to the legal and accounting fees to be paid by GPU herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–12379; Filed, Nov. 19, 1952; 8:50 a. m.]

[File No. 70–2946]

FEDERAL LIQUIDATING CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE IN RESPECT OF FINAL LIQUIDATING DIVIDEND

NOVEMBER 13, 1952.

Federal Liquidating Corporation ("Liquidating Corporation"), a subsidiary of Cities Service Company, a regis-

tered holding company, having filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 12 (c) thereof and Rule U-42 promulgated thereunder, in respect of the following proposed transactions:

Liquidating Corporation proposes to effect the payment to its stockholder-recipients of the previous $1.75 per share partial liquidating dividend a final liquidating dividend of 88.8 cents per share, aggregating $466,113.86, leaving approximately $573.56 to defray miscellaneous expenses, including $250 to be paid to the New York Trust Company for services as liquidating agent in making the final liquidating distribution. In this connection it is stated that Liquidating Corporation in December, 1950 effected its dissolution under the law of Delaware, pursuant to the order of the Commission issued December 15, 1950 (File No. 70–2528), has discharged all liabilities, including fees and expenses and other assumed obligations in connection with the proceeding of Federal Light and Traction Company under section 11 (e) of the act, and has on hand approximately $466,687.42.

Said declaration having been filed October 16, 1952, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing with respect to said declaration, within the time specified in said notice, or otherwise; and

The Commission finding with respect to said declaration that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors that said declaration be permitted to become effective forthwith, and the Commission also deeming it appropriate to grant the request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12377; Filed, Nov. 19, 1952; 8:49 a. m.]

[File No. 70–2947]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER AUTHORIZING PROPOSED CHARTER AMENDMENTS

NOVEMBER 13, 1952.

Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-62 promulgated thereunder, with respect to the following transactions:

Indiana proposes to amend its Articles of Acceptance so as (1) to modify the present provisions limiting the amount of unsecured debt, so as to increase the amount of such unsecured debt which may be issued without the consent of the holders of a majority of the preferred stock from 10 percent to 20 percent of the sum of secured debt, capital stock and surplus, as more specifically summarized hereafter; and (2) to increase the number of its authorized shares of common stock, without par value, from 1,250,000 shares to 2,500,000 shares.

The proposed provision modifying the present unsecured debt provisions would allow Indiana to issue unsecured debt in a total amount not exceeding 20 percent of which short-term unsecured debt could not exceed 10 percent, of the sum of secured debt, capital stock and surplus. Under this provision, long-term unsecured debt would be unsecured debt having maturities of 10 years or more, except that where a single maturity or a final installment matures 10 or more years from time of issuance it will be considered long-term unsecured debt until the date of its maturity is less than 5 years from time of computation. This amendment to the Articles of Acceptance requires the affirmative vote of the holders of at least two-thirds of the outstanding preferred stock of Indiana, and the company will solicit proxies from its preferred stockholders with respect to such amendment.

The proposed amendments are designed to afford greater flexibility to Indiana for the raising of capital to finance its construction program, expenditures for which, for the years 1952 to 1954 inclusive, are estimated to total approximately $87,700,000. The Company represents that it contemplates the sale of additional common stock in order to finance its construction program and to preserve an adequate equity ratio, and that for this purpose additional authorization of stock is necessary.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U–23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary; the Commission being of the view that it is appropriate to permit the submission of the proposed charter amendments to the stockholders of Indiana-Michigan, the Commission noting that such authorization is not to be construed as a recommendation by the Commission that such stockholders either approve or disapprove the proposed amendments; the Commission finding that it is not necessary to impose any terms and conditions other than those set forth below; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12378; Filed, Nov. 19, 1952; 8:49 a. m.]

[File No. 70–2957]

NORTH PENN GAS CO.

NOTICE OF FILING REGARDING PROPOSED PRIVATE SALE OF PROMISSORY NOTES

NOVEMBER 14, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission by North Penn Gas Company ("North Penn"), a registered holding company, an operating gas utility company, and a direct subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), also a registered holding company. The applicant-declarant has designated sections 6 and 7 of the act and Rule U-50 applicable to the proposed transactions which are summarized as follows:

Penn Corp, which has been ordered by this Commission to liquidate and dissolve, has proposed its liquidation and dissolution pursuant to a plan filed with this Commission under section 11 (e) of the act. By the terms of that plan, it is proposed to distribute the common stock of North Penn and Crystal City Gas Company ("Crystal City"), a wholly owned gas utility subsidiary of North Penn, to various security holders of Penn Corp. The filing represents that under the terms of the agreement securing the presently outstanding debentures of North Penn the proposed distribution of Crystal City's common stock could not be made. In order to accomplish the liquidation and dissolution of Penn Corp and to make the pending plan feasible, applicant-declarant states that it is necessary to consummate the refinancing of North Penn's debentures prior to the effective date of the aforesaid plan and in a manner that is financially advantageous to North Penn. In order to carry out the plan, North Penn proposes to issue $2,300,000 face amount of promissory notes maturing twenty years from date of issuance and bearing interest at the rate of 4¼ percent per annum. The application-declaration states that negotiations have been held through Eastman, Dillon & Co., as agent for North Penn, and that as a result thereof North Penn proposes to sell to three life insurance companies, namely the Northwestern Mutual Life Insurance Company, Massachusetts Mutual Life Insurance Company and Home Life Insurance Company, said notes at par in the respective amounts of $1,000,000, $800,000, and $500,000.

It is also represented in the filing that the proceeds from the proposed sale, to-

gether with treasury cash, will be used to redeem North Penn's 5 percent Debentures, due 1971, presently outstanding in the aggregate principal amount of $2,619,000.

Fees and expenses, including fees of $16,100 to Eastman, Dillon & Co. as finder and negotiator for North Penn, and $4,500 legal fees, of which $2,500 is for counsel to the purchasers, are estimated by declarant at $24,667.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions but that no other State or Federal Commission has jurisdiction in the matter.

The filing requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than November 26, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12375; Filed, Nov. 19, 1952; 8:48 a. m.]

[File No. 811-585]

PEN MAR FUND, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE INVESTMENT COMPANY

NOVEMBER 14, 1952.

Notice is hereby given that Pen Mar Fund, Inc., of Hagerstown, Maryland, (hereinafter referred to as "Applicant"), a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

Section 8 (f) provides that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking of effect of such order the registration of such company shall cease to be in effect.

It appears that Applicant was organized pursuant to the laws of the State of Maryland on August 25, 1950, and filed a Notification of Registration on Form N-8A under the act on August 28, 1950. On March 12, 1951, Applicant filed an amendment to its Form N-8A. The incorporators and directors of Applicant have advised the Commission that they have taken no action to organize or, as directors, to accept the charter of the Applicant; that they have collected no funds on behalf of the Applicant nor do they now have any subscription from any person, firm or corporation for investment of funds in the Applicant; that it is their desire to abandon the project; and that they request cancellation of the registration of the company under the act as an investment company.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such condition as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after December 8, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than December 5, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12376; Filed, Nov. 19, 1952; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 18]

COTTON-CARDING MACHINERY AND PARTS

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to cotton-carding machinery and parts, heretofore scheduled for December 1, 1952 (17 F. R. 8312), be postponed to 10 a. m., March 9, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 14th day of November 1952.

Issued November 17, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-12404; Filed, Nov. 19, 1952; 8:52 a. m.]